

NO. 24503

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
LANCE C. NEWBY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(Cr. No. 5072124MO)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Watanabe, and Foley, JJ.)

Defendant-Appellant Lance C. Newby (Newby) appeals from the Judgment entered on July 16, 2001 by the District Court of the First Circuit (the district court), Judge Paula Devens presiding, convicting, and sentencing him for the offense of criminal property damage in the fourth degree, a violation of Hawaii Revised Statutes § 708-823 (1993). Newby contends that the district court erred in finding that: (1) substantial evidence had been adduced by Plaintiff-Appellee State of Hawai'i to establish that Newby had damaged a tow truck "hooked up" to his green Ford Explorer (the Explorer), and (2) Newby intended to damage the tow truck when he started the Explorer while it was still attached to the tow truck.

Upon carefully reviewing the record and the briefs submitted by the parties, and having given due consideration to

the arguments advanced, the issues raised by the parties, and the applicable standards of review, we disagree with Newby.

Accordingly,

IT IS HEREBY ORDERED that the July 16, 2001 Judgment entered by the district court is hereby affirmed.

DATED: Honolulu, Hawai'i, January 30, 2003.

On the briefs:

Steven T. Barta for  
defendant-appellant.

Bryan K. Sano for  
plaintiff-appellee.